

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Independent claim 18 has been amended so as to set forth with specificity the structure of the application device of the present invention. Specifically, independent claim 18 has been amended so as to set forth that the applicator (14) has a rest position and a work position; that a receiving region (36), which is separate from the first region (30), receives the applicator (20) when the applicator is located in the container in the rest position; that a reservoir (40) surrounds the receiving region (36) defined in part by a chamber bottom which separates the first region (30) from the reservoir (40); and a radially extending passage (32) defined in part by the chamber bottom (33) communicates the product from the first region (30) to the second region (34). Thus, amended claim 18 sets forth structural components which interact to perform specific functions in the application device of the present invention. It is respectfully submitted that claim 18 as amended clearly defines over the cited and applied prior art.

Neither the Garcia, Thompson or Gueret references show the relationship of the component parts of the application device as claimed in independent claim 18 nor the specific functions attributed to those structural components. Accordingly, it is respectfully submitted that claim 18 clearly defines over the cited and applied prior art.

In addition to the foregoing, it is submitted that dependent claims 20-22 and 24-32 contain patentable merit in their own right and require independent consideration by the Examiner.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and

the early issuance of a formal notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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